

Meeting of 2000-3-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 14, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:30 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 Richard Williams, Ward Two
 Glenn Devine, Ward Three
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: John Purcell, Ward Four

CONSIDER APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 22 AND SPECIAL MEETING OF MARCH 1, 2000.

MOVED by Williams, SECOND by Smith, for approval of the minutes. AYE: Haywood, Warren, Smith, Williams, Devine, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Blake Munoz presented a \$100 donation from the Morford Hills Neighborhood Association to the City for the Kids' Zone community playground project.

Reed Johnson, Cub Scout Pack 107, said the 35 members of their pack had raised \$400 to donate to the City for the Kids' Zone community playground project. Several members of the cub scout pack accompanied Mr. Johnson to make this presentation and to learn about city government.

UNFINISHED BUSINESS:

1. Consider accepting the recommendation from the Council Committee assigned to investigate the Kathy Fanning damage claim, and if appropriate, approve passage of a resolution authorizing the City Attorney to file a friendly suit to settle the claim. Exhibits: Resolution No. 00-33.

Vincent reported that a Council committee had met regarding this claim and recommended settlement in the amount of \$2,500 in exchange for a release.

MOVED by Shanklin, SECOND by Devine, to approve Resolution No. 00-33 in the amount of \$2,500. AYE: Warren, Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-33

A resolution authorizing the City Attorney to enter into a settlement agreement for the sum of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00) as settlement of a claim filed by Kathy Fanning and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the Court's approval.

Mayor Powell asked that Item 5 be considered at this time and welcomed all of the veterans in attendance, as well as those from the State Department of Veterans Affairs.

5. Consider assisting the Department of Veterans Affairs by funding water and/or sewer improvements for the proposed Veterans Administration Facility. Exhibits: Letter.

Baker said a request was received from the State Department of Veterans Affairs for Lawton to assist in the cost of the new Veterans Center to be located at the corner of Flower Mound and East Gore; specifically the request is to provide funding for a 24" water line and to relocate a sewer line which goes diagonally across the property. Council previously authorized \$95,000 to pay the difference between a 12" and a 24" water line. Baker said if and when the Southeast Water Plant becomes a reality, we will need a 24" line down Flower Mound Road so this is something the City would have to do at some future date at any rate. He said Council had been previously advised that the State School Land Commission has granted right of way along Flower Mound Road to facilitate this project, and they also gave right of way all the way from Gore Boulevard to Lee Boulevard, and that will be important to the City in the future as we look to extend the 24" water line all the way to Lee Boulevard and also do something with that street in the future.

Baker said the request tonight is to fund \$323,446 for the water line and the sewer line. He said his recommendation is for Council to fund the water line portion (\$225,000) and let someone else fund the sewer line relocation. Baker said persons are present to address the Council in this regard.

Shanklin said this will be a \$34 million project and \$7 million a year in payroll and that is economic development. He said the City should fund the \$90,000 to \$100,000 for the sewer line expansion from the capital improvement economic fund from the 2000 CIP.

MOVED by Shanklin, SECOND by Smith, to fund the \$90,000 to \$100,000 for the sewer line expansion from the capital improvement economic fund from the 2000 CIP. (amended below)

Beller said the return on the investment will be money well spent and this will be a relocation of the sewer line which can be used as a cooling system for the air conditioning, so it is money well spent, and the \$99,000 from the CIP is well worth the effort.

Smith said in the CIP election, it was specified that \$1.2 million would be used for just this reason and he urged passage of this item.

Baker requested that the funding come from the 1995 CIP because funds are available from that source while funds are still accruing from the 2000 CIP. Shanklin amended his motion to indicate funding from the 1995 CIP instead of the 2000 CIP. Smith agreed as the second.

VOTE ON MOTION AS AMENDED: AYE: Smith, Williams, Devine, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

State Department of Veterans Affairs representatives, and the local veterans' community, expressed appreciation for the action taken. Various state and local members were recognized.

ADDENDUM:

1. Receive bids for sale of \$5,000,000 General Obligation bonds, Series 2000, and award the sale of the bonds to the lowest bidder. Exhibits: None.

Steve Livingston, Finance Director, said on February 22 Council adopted Resolution 00-29 which authorized receiving bids on \$5 million in General Obligation Bonds. This is the first issue under the 2000 CIP where the bonds are to be paid by ad valorem taxes. He said the Leo Oppenheim firm is represented by Keith McDonald and Paul Smith, and the bond counsel is Gary Bush, and these gentlemen were here this afternoon when bids were opened at 4 p.m. and Bush will present the result of the bid opening.

Gary Bush said four very fine bids were received for the bonds and he read the bidders' names and their average rate of interest in the order they were opened as follows: Griffin, Kubic bid 5.244044%; Dean Witter Reynolds bid 5.21922%; Dain Rauscher bid 4.998142%; and UMB Bank, which is United Missouri Bank, bid 5.137708%. Bush said the first action would be to award to the lowest and best bidder, which was the Dain Rauscher bid at 4.99%. Beller asked if all other conditions are equal except for the percentages and Bush said yes.

MOVED by Smith, SECOND by Warren, to award to the lowest bidder, Dain Rauscher. AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

2. Consideration and approval of an ordinance providing for the issuance of General Obligation bonds in the sum of \$5,000,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; prescribing provisions for redemption of bonds; designating bonds for purposes of certain provisions of the Internal Revenue code; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance No. 00-9.

Bush said this is the second part of the action taken to award the bonds and actually authorizes issuance of the bonds. He

said he would prepare a transcript of the proceedings, including this ordinance, and present it to the Attorney General and receive the \$5,000,000 in about 40 or 45 days.

MOVED by Beller, SECOND by Williams, for approval of Ordinance No. 00-9, waive the reading of the ordinance, read the title only and declare an emergency.

(Title read by Clerk) Ordinance No. 00-9

an ordinance providing for the issuance of General Obligation bonds in the sum of \$5,000,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; prescribing provisions for redemption of bonds; designating bonds for purposes of certain provisions of the Internal Revenue code; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

VOTE ON MOTION: AYE: Devine, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

3. Consider authorizing the Mayor to execute a "Certificate of Local Approval For Private Non-Profit Organizations" as required by Mr. O'Dell Gunter of Great Plains Improvement Foundation, Inc., Community Housing Development Organization for the City of Lawton. Exhibits: A. Oklahoma Department of Commerce (ODOC)-4; B. 2000 Emergency Shelter Grant (ESG) Program Timetable.

Frank Pondrom, Housing and Community Development Director, said the Consolidated Five-Year Plan contains a section relating to other federal programs carried out by other agencies and GPIF is one of those agencies. GPIF is applying for a grant and one of the requirements is for the Mayor to execute a recognition that this agency does exist and is part of the Consolidated Plan.

MOVED by Shanklin, SECOND by Smith, to approve the item. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Consider a revocable permit for the erection of an advertising sign located in the right-of-way of VFW Way/NE 20th Street submitted by VFW Post 5263. Exhibits: Application; Location Map; Revocable Permit.

Bob Bigham, City Planner, said items two and three are the first requests under the new ordinance that amended Chapter 20, Section 101. This particular request for a revocable permit was submitted by the VFW Post 5263 for an advertising sign to be placed in the median at VFW Way/NE 20th Street and East Gore Boulevard. The sign would be 5' x 7' on the grass median, with a height of 11' mounted on steel poles. Section 18-906 prohibits commercial advertising signs in any portion of the street right of way, however, the Council may issue a revocable permit under certain conditions under this provision of the Code. Council must find that the issuance of the permit will not adversely impact the repair, maintenance, installation or cost of public utilities and granting the permit will not have a detrimental effect on the public health or safety and is in the public interest. Bigham said staff has no objection to the request.

MOVED by Shanklin, SECOND by Haywood, for approval of the permit. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

3. Consider a revocable permit for the erection of an advertising sign located in the right-of-way of NW 50th Street submitted by Powersport, L.L.C. Exhibits: Application; Location Map; Revocable Permit.

Bigham said this request was submitted by Powersport on West Cache Road immediately east of Cecil Lawson Buick. Powersport has placed a 35' high advertising sign in the 50th Street right of way and has now requested a revocable permit. Bigham said the same circumstances apply to this request as to the previous one, such as that the Council must find that this will not adversely effect the maintenance of any public utilities.

MOVED by Smith, for approval of the request.

Shanklin asked if this is for a private sector business. Bigham said yes. Shanklin said he thought the private sector would not be able to do this with a revocable permit. Bigham said there are no provisions in that section of the ordinance that mention whether it could be a public or private entity making the request for a permit. Shanklin asked if we intended to put that in or if we forgot it, because now we will be inundated with private sector requests. Vincent said we discussed that and it was to be on a case by case basis and the discussion was that new signs would be very strictly discouraged and existing signs that were built accidentally, such as this sign which was built accidentally like the sign on Interstate Way by the bingo hall, those were built inadvertently and if you found it was not adverse to public safety, public utilities and was for the public good, you could allow it.

Shanklin asked if this sign is already built. Bigham said yes. Shanklin asked how far it extends out on the highway or right of way. Bigham said all of it is in the right of way. Bigham said a building permit was issued for this sign and after the sign was nearly completed, Code Administration received a complaint from a neighboring business, it was investigated and a survey was made on the location of the sign in relation to the right of way line and it indicated the sign was clearly within

the right of way. He said at that time, Powersport made application for the revocable permit. Shanklin asked when the permit was given to them. Bigham said the permit was issued July 20, 1999, and then the question of being on the right of way was August 16.

Shanklin seconded the motion.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Shanklin. NAY: None. MOTION CARRIED.

4. Consider an agreement between the City of Lawton and Independent School District No. 8 of Comanche County. Exhibits: Agreement.

MOVED by Smith, SECOND by Devine, to table this, have the attorney bring it back at the next Council meeting with a review with his opinion. AYE: Warren, Smith, Devine. NAY: Haywood, Williams, Shanklin, Beller. MOTION FAILED.

Beller asked why this was being tabled and if the attorneys had already gone over it. Vincent said they reviewed it as to legality; there were some considerations that we had and the document that Mr. Wade presented to us was legally sufficient to meet the requirements of the ordinance; however, we have had subsequent meetings with Mr. Beauchamp and Mr. Wade, and there are some things we would like to add to it and we would like to bring it back to you pursuant to an agreement we reached last Friday.

Beller asked Mr. Wade if he was aware that this would be tabled. Chuck Wade, attorney for Lawton Public Schools, said he was aware of it. Beller said he wondered why the rest of the Council had not been told. Wade said there were a couple of concerns expressed to them that do not have anything to do with the substance of the agreement; they met with the Manager and the City Attorney last Friday and about three issues were identified that they have no problem incorporating into the agreement but it was too late to get them incorporated in the agreement in order to be approved tonight so essentially they have no objection and he would be happy to discuss the specifics. Beller said he could not imagine why it was on the agenda if it had not been reviewed by counsel. Vincent said he had reviewed it, it was legally sufficient, but there were concerns and they have been worked out, and they are ready to make a modification and go forward. Shanklin said staff should have let all of the members know that this needed to be tabled.

MOVED by Smith, SECOND by Devine, to table this and bring it back to the next Council meeting with the opinions of the City Attorney. AYE: Warren, Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

6. Consider accepting permanent easements in the East Half of Section 33, T2N, R11W, from the Commissioners of the Land Office for the construction of a new water line and the relocation of a portion of the sewer main. Exhibits: None.

Vincent said these are the easements discussed in the earlier agenda item concerning the Veterans' Center. These easements will facilitate the building of the water line, the widening of Flower Mound Road from Gore to Lee, and the relocation of the sewer line.

MOVED by Shanklin, SECOND by Smith, to accept the easements. AYE: Smith, Williams, Devine, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

7. Consider adopting an ordinance amending Section 2-3-1-300 and Section 2-3-3-323 of Chapter 2 of the Lawton City Code, 1995, as amended, relating to appointments of boards and commissions and duties of the Lawton Metropolitan Area Planning Commission. Exhibits: Ordinance No. 00-_____.

Bigham said this is a housekeeping item and when Council adopted the ordinance creating the Title 11 City Planning Commission, there was a different provision in this from the other appointments and confirmations of the other boards and commissions. He said this simply corrects that section of the code where it does not conflict with the new provisions of the City Planning Commission. Bigham said the other item in the ordinance is giving the responsibility of the Metropolitan Planning Organization to the Lawton Metropolitan Area Planning Commission.

Beller said a portion may be housekeeping but one portion is a truly important piece of legislation because the LMAPC will be receiving the grants from the State and Federal Government, and that will be left with the LMAPC rather than placing it with the City Planning Commission. Bigham said that will be left with the LMAPC and the only reason they wanted to incorporate this into the code was that the pending legislation that Rep. Kirby submitted in making the LMAPC a recommending body, that state statute language may conflict with the MPO responsibilities as set forth in the federal guidelines so it is clarifying that the LMAPC has the MPO responsibilities.

Beller said he thought the MPO was designated at the pleasure of the Governor and Bigham said that was correct. Beller asked why we could not ask the Governor to designate the City Planning Commission. Bigham said the federal guidelines for transportation planning want a regional planning commission or group to be the metropolitan planning organization or the MPO; the LMAPC is regional in nature because it has the City membership and County membership. The City Planning Commission only has City representation so the federal guidelines are being met by the LMAPC and not necessarily with the Title 11 City Planning Commission.

Shanklin said one portion deals with attendance and asked if it was referring to the LMAPC or to the City Planning Commission. Bigham said the LMAPC has by-laws requiring a 60% attendance record, and the Title 11 City Planning Commission will fall under the City Code that you will be removed if you miss three consecutive meetings. Shanklin said he

was speaking of Item B on Page 31 and that all of the Council members appoint members to the City Planning Commission, and if that person misses three meetings, then the Mayor would appoint a replacement for that member. Shanklin asked why the Council member would not have authority to appoint that replacement. Bigham said if a member was disqualified or resigned for whatever reason, it would be that ward councilman that would appoint a new member and it would be confirmed by the Council. Shanklin said that was his question and he wanted to know if that was referring to LMAPC or City Planning Commission in Item B. Bigham said just the City Planning Commission in that case. Shanklin read the language again and Vincent requested the item be tabled for further review and return it at the next meeting.

MOVED by Shanklin, SECOND by Warren, to table. AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

8. Consider declaring Diamond J Enterprises in default of the lease and non-exclusive concession operation agreement for McMahon Park and authorize the City Manager and City Attorney to take appropriate actions relating to the default of the agreement. Exhibits: Chapter 13 Plan.

Kim Shahan, Assistant Parks & Recreation Director, said he contacted Diamond J last week in regard to their quarterly payment, which was overdue, and at that time he found the unfortunate circumstances for this company. He said they needed to act as quickly as possible to insure that there are concessions at McMahon and asked that this lease be declared to default to allow staff to move quickly on this item.

MOVED by Shanklin, SECOND by Smith, to declare this in default. AYE: Devine, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

9. Consider adopting an ordinance amending Section 10-118, Lawton City Code, 1995, amending provisions prohibiting certain officers and employees from entering into contracts, sales and purchases with the city. Exhibits: Ordinance No. 00-10.

Vincent said a question arose a couple of weeks ago concerning sales and contracting with relatives of City employees. He said the current City Code and State Statutes were reviewed, as well as an Attorney General opinion stating that a charter city can be more restrictive than state code but not less restrictive. Vincent said it was found that we are less restrictive so this change is recommended to bring us in line with State Statute and the Attorney General opinion.

Shanklin said this could hurt us in a way because there are several instances where we are doing business with these people and now they cannot and we will lose some bidders. Vincent said this may be an item to contact the State Representatives to suggest legislation to change the law. Shanklin said items are competitively bid so he did not know how any influence could be asserted on anyone and said this will just penalize people unnecessarily. Vincent said he agreed and could suggest changes to legislation if Council so directed.

MOVED by Shanklin, SECOND by Smith, to approve Ordinance No. 00-10, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-10

An ordinance relating to finance, amending Section 10-118, Chapter 10, Lawton City Code, 1995, amending provisions prohibiting certain officers and employees from entering into contracts, sales and purchases with the City.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Williams, Devine. NAY: Smith. MOTION CARRIED.

10. Consider an amendment to a contract between the City of Lawton and Pamela T. Miller, A/K/A Pamela Tereze Jefferson of 719 SW Ranch Oak, Lawton, Oklahoma, allowing subordination of the City's mortgage against her property. Exhibits: Letter of request; Mortgage; Amendment/Subordination Agreement.

Shanklin said the City has been doing this all along and asked if there was a reason this was recommended for denial. Jim Phillips, Housing & Community Development Department, said the policy is that if the loan exceeds 75% of the value of the house, the recommendation will be for denial and that the Council has the option of approving the request. Phillips said when Ms. Miller originally got the loan she was a single mother and has since remarried and now has an opportunity for better financing and interest, as well as shortening the total amount of time there will be a loan against the property.

Beller said it appears to be an opportunity to help some people and would be a financial advantage to these people. He said it would have no adverse impact on the City.

MOVED by Beller, SECOND by Haywood, to approve the subordination of the City's loan. AYE: Shanklin, Beller, Haywood, Smith, Williams, Devine. NAY: Warren. MOTION CARRIED.

CONSENT AGENDA:

11. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Shawn and Ruthann Leduc; Mike and Nelisa Headding; and Julian and Emily Urquidez. Exhibits: Legal Opinions/Recommendations. (Resolution No. 00-34 on file in City Clerk's Office) Approval of: Leduc - \$45.00; Urquidez - \$300.00.

(Title only) Resolution No. 00-34

A resolution authorizing and directing the City Attorney to assist Mike and Nelisa Heading in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Three and 93/100 Dollars (\$2,003.93).

ITEM 12 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

13. Consider the City of Lawton co-sponsoring a conference with the Federal Emergency Management Agency (FEMA) on the National Flood Insurance Program on May 24, 2000, at the Great Plains Technology Center. Exhibits: Letter from FEMA. Action: Approval of item.

14. Consider approving the plans and specifications to construct a median opening and left turn bay on Lee Boulevard, west of SW 52nd Street. Exhibits: Location Map; Memorandum from Associate Civil Engineer. Action: Approve the plans and specifications for a median opening and left turn bay on Lee Boulevard, west of SW 52nd Street subject to revision of sign placement.

15. Consider accepting the left turn bay located at SW 10th Street and Lee Boulevard and maintenance bond. Exhibits: Location Map. (Maintenance Bond on file in City Clerk's Office) Action: Accept the left turn bay located at SW 10th Street and Lee Boulevard and the maintenance bond in the amount of \$2,625.00.

16. Consider adopting a resolution setting the E-911 fee for the period July 1, 2000, through June 30, 2001. Exhibits: Resolution No. 00-35.

(Title only) Resolution No. 00-35

A resolution levying an emergency telephone notification fee, providing for a rate of such fee, and providing for an effective date.

17. Consider approving the disbursement of materials and equipment gained from the closing of the Minority Business Opportunity Center (MBOC) at Great Plains Area Technology Center. Exhibits: None. Action: Approve the transfer of the equipment in question from the City of Lawton to the Northside Chamber of Commerce, direct City Auditing personnel to prepare the necessary documentation to facilitate the transfer.

18. Consider authorizing the Mayor and City Clerk to execute such documents as necessary to release a Uniform Commercial Code (U.C.C.) lien filing executed in accordance with a small business revolving loan made by the Housing and Community Development Department to JoAnn Modesitt, David Modesitt, David Nading, and Richard M. Jacoby, D/B/A Colorgraphics "The Print Shop". Exhibits: U.C.C. Financing Statement. Action: Approval of item.

19. Consider approving Releases of Liens on residential properties belonging to the following persons, all of Lawton, Oklahoma, and authorize execution of the Releases of Liens: Teddie P. Serna; Charles & Almeda Henry; Everett & Margaret Hill; Willie & Troye Jones; Stephen & Glennis Lee; Philip & Anita Kennedy; David & Sheila Ferguson; Jerry & Carolyn Pilgrim; Alford & Joyce Hennessee; Delores & Robert Linker; Lynn Leonardelli; John & Sadie Nelson; Calvin & Helen Burkhart; David & Laura Jung; Dewey & Marlyce Scoggins; Hennessee, Inc. Exhibits: None. (Liens and Releases on file in City Clerk's Office) Action: Approval of item.

20. Consider approving Releases on Conditional Liens on residential properties belonging to Virginia Stout, William Begley, and Wheeler & Odessa Wright, all of Lawton, Oklahoma, and authorize execution of the Releases of Conditional Liens. Exhibits: None. (Liens and Releases on file in City Clerk's Office) Action: Approval of item.

21. Consider adopting an amendment to the agreement entitled "Mattie Beal Renovation Project" between the City of Lawton and Lawton Heritage Association, Inc. which would allow replacement of all tile roofing on the Mattie Beal House and increase the funding from \$17,508 to \$37,508. Exhibits: Proposed Amendment #1; Project Budget. Action: Approval of item.

22. Consider terminating the lease agreement with Co-Op Services, Inc., to operate a storage facility for anhydrous ammonia. Exhibits: Lease Agreement. Action: That the lease agreement with Co-Op Services, Inc., be terminated.

23. Consider approving a lease agreement between City and the Lawton/Fort Sill Art Council for the use of a City owned building at 17th and Ferris Avenue for the purpose of the appreciation, enjoyment and education of the visual arts within the Lawton-Fort Sill community. Exhibits: None. (Lease on file in City Clerk's Office) Action: Approval of item.

24. Consider accepting Library Carpet Project #99-14 as constructed by Mike Grooms Floor Covering, Inc. and placing the maintenance bond into effect. Exhibits: None. Action: Approval of item.

25. Consider acknowledging completion of the Neal Boulevard Extension Project #98-11. Exhibits: Location Map. Action: Approval of item.

ITEM 26 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

27. Consider approving plans and specifications for the Ahlshlager Park Lighting Project #2000-11 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

28. Consider awarding a construction contract to United Mechanical, Inc. for the City Hall Annex Cooling Tower Replacement Project #2000-10. Exhibits: Location Map; Bid Tab. Action: Award a construction contract to United Mechanical, Inc. for the City Hall Annex Cooling Tower Replacement Project #2000-10 in the amount of \$9,875.00.

29. Consider entering into contracts with Mr. and Mrs. Loren Brewer; Mr. and Mrs. Lawrence Simmons and Ms. Susan R. Pollock for fire protection outside the Lawton City limits and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approval of item.

30. Consider an agreement between the City of Lawton and the Lawton Urban Homesteading Agency to allow the agency to administer the First Time Homebuyer Program using HOME and CDBG funds. Exhibits: None. (Agreement on file in City Clerk's Office) Action: Approval of item.

31. Consider approving the following contract extensions: A) Crane Services with Eddie Johnson's Welding & Machine Co.; B) Groundwater Laboratory Analysis with Anachem, Inc.; C) Striping Paint with Sohl Paint & Decorating. Exhibits: None. Action: Approval of item.

32. Consider rejecting bids for dry barrel fire hydrants. Exhibits: Bid Tabulation; Recommendation. Action: Reject all bids.

33. Consider rejecting bids for PVC sewer pipe. Exhibits: Bid Tabulation; Recommendation. Action: Reject all bids.

34. Consider awarding contract for library books, periodicals and services. Exhibits: Recommendation; Abstract of Bids. Action: Award contract to: Gale Group; Grolier (Children's Press and Franklin Watts); Picton Press; Recorded Books; Southwest Micropublishing; University Book Service.

35. Consider awarding contract for dairy products for Lawton City Jail. Exhibits: Recommendation; Abstract of Bids. Action: Award contract to Hiland Dairy Foods Company.

36. Consider awarding contract for jailer uniforms. Exhibits: Recommendation; Bid Abstract. Action: Award contract to J. B. Battle Uniform Company.

37. Consider awarding contract for portable UHF radios. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Lawton Communications.

38. Consider awarding contract for portable VHF radios. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Lawton Communications.

39. Consider appointments to boards and commissions. Exhibits: Memorandum.

Human Rights & Relations Commission: Kimberly R. Rogers, African American Rep., Term: 3/14/00 to 9/30/01; Marta Olivencia, Native American Rep., Term: 3/14/00 to 9/30/01; Josefina Toves, Asian Rep., Term: 3/14/00 to 9/30/01; Dan Martin, White Rep., Term: 3/14/00 to 9/30/00.

Commission on the Status of Women: Loveta Matthys, Ward 8 Rep., Term: 3/14/00 to 3/14/02; Lisa Locken, Fort Sill Rep., Term: 3/14/00 to 3/14/02.

40. Consider approval of payroll for the period of March 6 through 19, 2000. Exhibits: None.

Shanklin asked for separate consideration of Items 12 and 26.

MOVED by Shanklin, SECOND by Warren, for approval of the Consent Agenda items as recommended with the exception of Items 12 and 26. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Shanklin. NAY: None. MOTION CARRIED.

12. Consider the following damage claims recommended for denial: Glen D. Hamilton; Elizabeth Lloyd; and Naomi I. Scott. Exhibits: Legal Opinions/Recommendations.

Shanklin said he had a different story concerning Mr. Hamilton's claim, that Mr. Hamilton is in the audience and can relate what happened, and that we have a City employee that he thought would verify Mr. Hamilton's story and this may have to be tabled. He said essentially Mr. Hamilton had the backhoe out there, the City showed up and used that backhoe to dig the line and expose it and it showed it was the City's problem. Shanklin said there was a bill for \$850 and the City employee said he would come down and explain what had happened in the field.

Vincent said considerable discussion was held among the legal staff on the claim and that he felt it was a payable claim. The last paragraph of the opinion states that there is no evidence that the collapse of the main caused the backup into the service line of Mr. Hamilton. City crews had been out there two times prior to this and on the third time it was dug up by Mr. Hamilton and at that time a cavity was found. Vincent said a cavity is created when water from the sewer line goes through the hole in the top and eats up the dirt and drops back down into the hole and there is no way to prove that the

dirt did not back up his line, nor is there any way to prove that it did not cause a problem. He said this is a very questionable claim and he would recommend approval.

MOVED by Shanklin, SECOND by Haywood, to approve this claim in the amount of \$850 and to deny the other two claims that are in Item 12 and pay Mr. Hamilton by approval of a resolution. AYE: Haywood, Williams, Devine, Shanklin, Beller. NAY: Warren, Smith. MOTION CARRIED.

(Title only) Resolution No. 00-36

A resolution authorizing and directing the City Attorney to assist Glen D. Hamilton in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Eight Hundred Fifty and no/100 Dollars (\$850.00).

26. Consider approving plans and specifications for the 2000 CIP Waterline Replacement Project #2000-12, and authorizing staff to advertise for bids. Exhibits: Location Map.

Shanklin said residents at 2105 Columbia tell him they have had their yard disrupted five or six times and we are still out there. He asked what it takes to meet the criteria for emergency repair or replacement. Jerry Ihler, Public Works Director, said typically the procedure the Water Distribution crew will follow is that if they go back out to a yard a second time, or certainly the third time, that they will replace the entire line segment the entire length of the yard. Ihler said they are trying to replace the line the length of the yard if they are there a second time; in all cases when there is a break under a driveway, the crew will replace the entire segment of pipe under the driveway the first time. Shanklin asked Ihler to look into 2105 Columbia.

MOVED by Shanklin, SECOND by Smith, for approval of Item 26. AYE: Warren, Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin said in the newspaper there was a full page ad by fire people and Council all got a copy of it and it needs to be responded to. He said if it is correct, he is disappointed if they are going to lose that kind of pay, \$22,000 is what they had in the newspaper, over a five year period. Shanklin said we did not intend for that to be in there, or at least he did not, and he would like for staff to prepare a response. He said if the ad is correct, we did not intend that and he had some irate citizens calling who were not fire people who think the Council may have misled them and if he misled someone, he wanted to correct it. Baker said staff would prepare a response.

Shanklin said on Friday, March 10, in the Daily Oklahoman there was a projection that the population would have from a zero to 10% decrease. He said he heard the Mayor say that 30% of the population did not get counted 10 years ago and asked who told the Mayor that. Mayor Powell said 31%. Shanklin said 31% of 80,000 would be 24,000 so we would have had 105,000 people if that is true, just the population of Lawton itself. Mayor Powell said those were the figures brought from the census. Shanklin said he knew we had to fight to get to 80,561 or whatever it was and Frank Robinson was the one that got us over the 80,000 count. Shanklin said he did not believe the shortage numbers and that the water accounts do not reflect that or the kids in school. Mayor Powell said there was a huge percentage of our children that were not counted and that was one of the biggest segments not counted in the last census. Shanklin said he had been talking about this for years and before we think we have 115,000 people, we should wait to see what the count is before we start planning for a city with a population of 125,000 because we are not there. He said we have only grown 6,000 or 7,000 people in 25 years, and he wanted it to be 110,000 population and have that problem to face and solve.

Mayor Powell said Devine had received word that there has been a fire at the Municipal Golf Course in the clubhouse and golf cart storage area and it has sustained very serious damage.

Smith said the City-wide blood drive for City employees will be March 21 from 1 p.m. to 4 p.m. at the Library. He encouraged blood donations.

Baker distributed copies of the water cost study prepared by Livingston and Endicott, and it is for information only tonight. He said it would be placed on an agenda at a later date for discussion. Shanklin said we need to talk about it pretty quick or this year will be over and we will still be looking at it for next year. Shanklin said there is some revenue out there in selling water outside the City limits and if it is increased, maybe a Southeast Water Plant could be built for \$35 million to sell \$1 million worth of water.

BUSINESS ITEMS:

41. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Michael D. Cornish vs. City of Lawton, Case No. CJ-97-138, in the District Court of Comanche County, and, if necessary, take appropriate action in open session. Exhibits: None.

42. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Luckinbill, Inc. v. City of Lawton, Case No. CJ-2000-180, in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

43. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled City of Lawton vs. Reynolds Ford, Inc., Case No. CJ-98-1204, in the District Court of Comanche County, and, if necessary, take appropriate action in open session. Exhibits: None.

44. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending investigation of the landfill, and if necessary, take appropriate action in open session. Exhibits: None.

45. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

46. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

MOVED by Williams, SECOND by Warren, to convene in executive session to consider the items so listed on the agenda and recommended by the legal staff. AYE: Haywood, Warren, Smith, Williams, Devine, Shanklin, Beller. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:25 p.m. and reconvened in regular, open session at 8:10 p.m. with roll call reflecting all members present except Purcell.

Vincent reported on Item 41 that executive session was held under Section 307B4, Title 25, Oklahoma Statutes, on the case of Michael D. Cornish vs. City of Lawton. He said a settlement offer had been received and he recommended a motion to deny the settlement offer and appoint Councilman Shanklin to attend any settlement conference required by the court.

MOVED by Smith, SECOND by Williams, to deny the settlement offer and appoint Councilman Shanklin to attend any settlement conference required by the court. AYE: Smith, Williams, Devine, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Vincent reported on Item 42 that executive session was held pursuant to Section 307B4, Title 25, Oklahoma Statutes, to discuss the case styled Luckinbill, Inc. v. City of Lawton, and no action is required.

Vincent reported on Item 43 that executive session was held pursuant to Section 307B4, Title 25, Oklahoma Statutes, on the case styled City of Lawton vs. Reynolds Ford, Inc.. He reported the City has received a settlement offer and he requested a motion rejecting the settlement offer and authorizing the City Attorney to negotiate further settlement.

MOVED by Smith, SECOND by Williams, to reject the settlement offer and authorize the City Attorney to negotiate further settlement. AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

Vincent reported on Item 44 that executive session was held pursuant to Section 307B4, Title 25, Oklahoma Statutes, to discuss the pending investigation of the landfill and no action is required.

Vincent reported on Item 45 that executive session was held pursuant to Section 307B2, Title 25, Oklahoma Statutes, to discuss on-going police negotiations and no action is required.

Vincent reported on Item 46 that executive session was held to discuss pending negotiations with the fire union under 307B2, Title 25, and no action is required.

There being no further business to consider, the meeting adjourned at 8:15 p.m. upon motion, second and roll call vote.